

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEROY WILLIAMS,

Plaintiff, No. CIV S-05-0838 DFL CMK P

vs.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

/ ORDER

By order filed August 2, 2006, the court ordered plaintiff to provide additional information to serve defendant Marcus Cole. Plaintiff was advised that he should promptly seek additional information to serve defendant Cole through discovery, the California Public Records Act, or other means available to plaintiff.

On September 14, 2006, plaintiff returned to the court incomplete documents for service on defendant Cole and a motion for discovery. The motion for discovery consists of a list of California State cases followed by the sentence [t]o aid plaintiff to the whereabouts of one Marcus J. Cole, defendant.”

There is no evidence that plaintiff requested information about defendant Cole’s whereabouts from any California state institution (i.e. a state prison where defendant Cole worked).

1 Accordingly, at this time, the court denies plaintiff's discovery request. Plaintiff is
2 granted an additional forty-five days to seek additional information to serve defendant Cole.
3 Plaintiff is advised that he may, pursuant to the California Public Records Act, seek information
4 from Folsom state prison (where plaintiff alleged defendant Cole worked in his complaint)
5 concerning defendant Cole's whereabouts. If such attempts fail, the plaintiff may seek judicial
6 intervention; however, in any request for judicial intervention, plaintiff should detail what
7 attempts he made to discover information to serve defendant Cole.

IT IS ORDERED THAT:

1. Plaintiff's motion for discovery (doc. 25) is denied.
2. Plaintiff is granted forty-five days from the date this order is filed to find information in order to serve defendant Cole.

13 || DATED: September 25, 2006.

Craig M. Kellison
CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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